

# ARMY AND NAVY CHRONICLE.

T. BARNARD, PUBLISHER.

OFFICE, SEVENTEENTH STREET,  
OPPOSITE THE NAVY DEPARTMENT.

B. HOMANS, EDITOR.

Vol. 12, No. 50.]

Washington, Thursday, December 16, 1841. [Whole No. 363.

## Congressional Document.

### REPORT OF THE SECRETARY OF WAR

WAR DEPARTMENT, December 1, 1841.

SIR: The reports of the Major General commanding the army, and of the heads of the different Bureaus, attached to this Department, upon the several subjects committed to its charge, are herewith submitted.

The accuracy of the information, and the fulness of the views thus exhibited, will render superfluous any extended observations from one but recently called to the consideration of the various matters so well presented by officers of great experience and acknowledged ability. Such remarks, however, as seem required, will be made in the course of the following statement of the general results derived from these reports.

From the general return of the army, contained in the report of the Major General, commanding in chief, it appears that the whole number of troops now in service, is ten thousand six hundred and ninety-four: consisting of seven hundred and twenty-eight commissioned officers, and nine thousand nine hundred and sixty-six non-commissioned officers, musicians, and privates. The aggregate exceeds the number specified in the report of 1840, by one hundred and twenty-four. Of the whole number, nine thousand eight hundred and eighty-two are reported as present, and the residue (eight hundred and twelve) are absent or sick; of whom four hundred and forty-seven are absent on detached service. To complete the organization of the army, eighteen hundred and thirty-eight recruits are required.

During the past year the whole number recruited was four thousand nine hundred and twenty-two.

It is gratifying to find that the number of deserters, within the year, as compared with the number enlisted, has largely diminished.

The disposition of the troops intended for the protection of our inland frontiers, and for garrisoning the forts on the Atlantic, is given in the report.

The residue of the army, consisting, at the last returns, of about three thousand five hundred men, but, which is now, or will be, reduced soon to three thousand, is employed in the protection of the inhabitants of Florida, and in the offensive operations carried on in that territory.

On the western frontier, the Indians have been kept from wars among themselves, and from hostilities against our citizens. With the exception of some depredations alleged to have been committed in Texas by the Caddoes, a tribe for whose conduct that country is more responsible than we are, the native tribes appear to be quiet, and indicate no disposition to commence aggressions. On the northern frontier, the presence of the troops has been, and, doubtless, will continue to be, of eminent service in preserving the peaceful relations of the country with the adjacent territories of Great Britain. At the northeast, the small force stationed near the disputed boundary line seems required for the same purpose.

Within the year, a new aspect has been given to the military operations in Florida. The minuteness and accuracy with which they are detailed in the report of the Commanding General, render any other account of them unnecessary. It would be unjust, however, to withhold the expression of that cordial approbation which is felt by this Department, and, it is believed, by the whole country, of the gallant enterprise and patient endurance of the troops and their able commander, Colonel Worth. Overcoming the

feelings which a contest with such enemies must produce in the soldiers of a civilized country, and consulting only the high dictates of duty, they have persevered in a contest which, in the only means of conducting it, more resembles the pursuit of animals, than a warfare with human beings, and in which the triumphs of success are mingled with pity, not far removed from contempt, for an inglorious foe.

The last advices from that quarter confirm the expectations of a speedy and successful result to the campaign. All that high intelligence, devoted zeal, consummate bravery, and irrepressible energy, can contribute to that result, will continue to be exerted by the troops and their gallant commander, for whom the difficulties of a contest, without resemblance in the history of war, seems to have no terrors.

The suggestions, in the same report, of the Commanding General, respecting officers holding appointments, at the same time, both in the line and in the staff, with the right of promotion in each, and respecting the inequality of pay between officers of the same grade, in the different branches of service, are worthy of great consideration, emanating as they do from long experience, the result of intelligent and disinterested observation. And the recommendation of the present General-in-chief concurring with those of his lamented and distinguished predecessor, in relation to pensions, will doubtless attract the attention of Congress to that subject.

The very moderate increase of two regiments to our army, recommended in the same report, will unquestionably be received with all the confidence due to any suggestions from such a source. The necessity for such an increase, to man the forts, posts, and fortifications, on our inland and maritime frontiers, will be apparent on a consideration of the plans for the national defence which have been proposed, and wholly or partially adopted. A brief and connected view of those plans seem appropriate and necessary for that purpose, and to a full understanding of those parts of the reports herewith communicated relating to the subject. It is necessary, also, in explanation of the estimates submitted for appropriations to continue and complete the means of protection and defence. In presenting such a view, the occasion will be taken to make such observations as may seem to be required.

The defences of the country may be regarded under three distinct heads. First, for the protection of the western frontier against Indian hostilities. Second, precautions against aggression from the colonial possessions of foreign powers in our vicinity, at the North. And third, the defence of our maritime frontier.

Under the first head, the plan communicated to the Senate, on the 3d day of January, 1838, in pursuance of a resolution of that body, and recommended by the then head of this Department, was approved in its general outlines by the board of officers—who reported on the subject in May, 1840, and appears to be well adapted to the purpose. It contemplated a line of exterior posts, advanced into the Indian country, beyond the boundary of existing cessions, for the purpose of overawing and repressing hostilities among the Indians, or against our own settlements; and an interior line of posts, as places of refuge in cases of danger or alarm, with depots for arms and supplies.—There seems to have been some difference of opinion whether the forts to be established at these posts should be constructed of wood, so abundantly furnished by the country, or of stone, or other equally indestructible material. From the information which has been

received, and from the uniform practice in Indian wars, the better opinion would appear to be, that stockaded forts with log block-houses, would afford sufficient protection against an enemy unprovided with artillery. The rapidity and economy with which they could be erected, in many cases chiefly by the labor of the troops, would give them a decided preference. It is not perceived why the interior line of posts, or as many of them as may be necessary, should not also be used as depots of subsistence and military supplies. Six or eight of the exterior line, and eight interior forts are deemed sufficient. The following are the forts established, which may be considered as forming parts of this plan of defence. Fort Jesup, 25 miles southwest from Natchitoches, on the road to Texas; Fort Towson, near the confluence of the Kiamichi and Red rivers, in the Choctaw nation, 325 miles from Fort Jesup, and about 50 miles from the western boundary of Arkansas; Fort Smith, situated on the Arkansas river, partly in Arkansas and partly in the Cherokee nation; Fort Gibson, about 60 miles northwest of Fort Smith, on the Arkansas river, and 207 miles from Fort Towson; Fort Wayne, on the Illinois river, in the Cherokee nation, not far from the western boundary of Arkansas, 60 miles from Fort Gibson; Fort Leavenworth, on the right bank of the Missouri river, 236 miles from Fort Smith; Fort Snelling, at the junction of the St. Peter's with the Mississippi river, 512 miles from Fort Leavenworth; Fort Crawford, 300 miles below Fort Snelling, on the Mississippi river, about 5 miles from the mouth of the Wisconsin; Fort Winnebago, at the portage between the Fox and Wisconsin rivers, about 130 miles from Fort Crawford; Fort Howard, at the head of Green Bay, 115 miles from Fort Winnebago; Fort Mackinac, on the island of Michilimackinac, at the outlet of Lake Michigan; Fort Brady, on the St. Mary's river, at the outlet of Lake Superior; and Fort Gratiot, on the St. Clair river, at the outlet of Lake Huron.

Barracks are in progress at Turkey river, in the Winnebago country, and at Fort Smith; and at Fort Leavenworth extensive barracks have been completed. As the white settlements advance, and the Indians recede, it will be necessary to push these exterior forts further into the Indian country. But it is evident that such a line of posts would not accomplish all the objects which would be had in view in relation to that vast portion of our territory, which extends from the lakes to the Gulf of Mexico. It is in immediate contact with numerous wild and warlike Indians, who are capable of bringing into the field a number of warriors, estimated at from twenty to thirty thousand. From the intercourse which subsists between them and the traders and emissaries of foreign nations, they may be rendered as formidable as any description of force that could be brought against us. To secure a proper influence over them in peace, and to counteract and control their dispositions in war, to secure our own territory and to protect our traders, it is indispensable that a chain of posts should be established, extending from the Council Bluffs to the mouth of the Columbia river, so as to command the avenues by which the Indians pass from the north to the south; and at the same time maintain a communication with the territories belonging to us on the Pacific.

The present state of our relations with these Indians, and other considerations which will readily suggest themselves, seem to demand prompt attention to these views, and the adoption of the necessary measures to execute them.

Second. The defences on the northern frontier will necessarily be of a different character from those already considered, as they must be designed for protection against a powerful enemy, possessing all the means of warfare along a distance of more than two thousand miles. Naval forces on the lakes undoubtedly afford our chief reliance for defence and offence. To furnish them shelter from tempests, the harbors must be enlarged and rendered accessible: and to pro-

tect them and their supplies, as well as the property and lives of our citizens from an enemy, those harbors and the most important of the straits and rivers connecting the lakes, should be fortified. The comprehensive and able views of the board of officers on this subject, in their report of May, 1840, already mentioned, cannot be strengthened by any remarks from this Department.

The omission to make the necessary appropriations, has prevented anything more than a partial execution of the defence of the northern frontier. Fort Niagara has been reported ready for armament, and a company has been ordered to garrison it. So much has already been done at Fort Oswego, as to justify the belief that, at the end of the season, it will be in a condition for effective service. Under the appropriations made in September last, for the defensive works at Detroit, Buffalo, and the outlet of Lake Champlain, means have been taken to select sites for their construction, which will be commenced as soon as the titles to those sites shall be secured.

The third division of our national defences, those relating to our maritime frontier, presents a subject of the deepest interest.

A board of engineers was organized in 1816, and has continued in existence ever since, to which was specially assigned the duty of preparing a general system of defence for the seaboard. It made personal examinations of every harbor on the whole coast (excepting only a few in East Florida) accessible to sea-going vessels. While the board was thus employed, settling the general principles of defence and selecting positions, its number was augmented by the addition of officers of the navy, generally two post captains. During a portion of this time the functions of the board were extended to embrace the selection of suitable sites for a great northern and southern naval depot. Reports of progress were made in 1817, 1819, 1820, 1821, 1822, 1823, 1824, and 1825; and at two different times, viz: in 1826 and 1836, a summary report was presented to the Executive, and sent to Congress, describing the system briefly in its application to the several parts of the coast.

The board has been composed of officers of high rank in the corps of engineers, together with General Bernard, during the thirteen or fourteen years he was in this country.

In pursuance of a resolution of the House of Representatives of April 9, 1840, a report from this Department was made on the twelfth day of May in the same year, transmitting one from a board of officers, assembled for the purpose of considering the subject, which contains a very full view of the system, in a brief compass, and geographically arranged. It exhibits the various works deemed necessary along the Atlantic coast, and along that of the gulf of Mexico, and the order of their relative importance, in reference to the time of their construction, with estimates of the expense of each, and of the aggregate cost. The same board also reported upon another plan of defence, submitted by a distinguished military commander, and gave their reasons, at large, why it ought not to be substituted for that already mentioned, which had been presented by a joint commission of naval and military officers.

To the formation of that system, the greatest military talent and experience of the country have been devoted, and it would ill become one whose pretensions to either are so limited, to attempt a comparison of it with any, or to sustain it by any views of his own. It may be remarked, however, that so far as the judgment of Congress can be gathered from its acts, and so far as an intelligent public opinion has been expressed, they both seem to be decidedly in favor of the system which has been so deliberately considered, and so long matured; and it may now be regarded as the settled policy of the country.

The elements of that system are, first, naval forces; second, fortifications; and third, interior communications.



As to the first, independent of all other considerations, it is supposed that floating batteries of any description, that are to remain stationary at the exposed points, cannot be expected, because the aggregate expense of providing and maintaining the large force that would be required for the numerous points on our coast, would be beyond our means. An inconsiderable force at each point would be wholly inadequate to meet that which might be brought against it; and the defence of a few, only, of the most important, would neither answer the expectations of the country, nor fulfil the obligations of the Government. A navy, which would carry the war into every sea where the enemy's commerce was to be found, would effectually keep him from our coast, by rendering his presence necessary elsewhere. For the defence of inlets and harbors, whose entrances are shallow, a class of steam vessels, of light draft, would doubtless form a necessary part of our defence, and where the inlets are numerous, such vessels would be indispensable. But where a large number of enemy's ships can find harbors, of easy access, and sufficiently capacious to contain them, they cannot be successfully met by an inferior force; and, as there is no probability of our competing with the several European nations in the magnitude of their naval establishments, the only resource left us is, in fortifying our harbors and roadsteads.

The second element of defence consists, therefore, in permanent fortifications. While they are more effectual for defence, in certain positions, than floating forces, they are less expensive in construction, more durable, and requiring an outlay in repairs utterly insignificant, when compared with the expense of maintaining ships and renewing them.

They are deemed indispensable for the purposes of covering the military and naval depots, and all other public or private establishments which would invite the enterprise or the cupidity of a foe, and of excluding him from strong positions, where his naval superiority might enable him to maintain himself, and from which he might make incursions into the interior, or assail an extensive line of coast.

The positions deemed necessary to be occupied by fortifications along the whole Atlantic coast, from Passamaquoddy bay to Cape Florida, and along the gulf, from that cape, to the mouth of the Sabine, were indicated in the report before mentioned, with the reasons for their selection, the extent and nature of the required works, and their expense.

As the execution of all these works could not be simultaneous, the order of succession was regulated by reference to the value of the object to be covered, to the nation, or to an enemy; its exposure by isolation; its accessibility, depending on distance, time, or climate; the means, source, and time of obtaining succor, and, finally, the condition of existing defences. The order thus established has been adhered to with a few exceptions, occasioned by different views on the part of Congress. Great progress in the execution of the system has already been made, of which the details are given in the reports of the Ordnance and Engineer Bureaus. Most of the works of primary importance, including the largest and most expensive, are nearly completed. About \$14,000,000 have been expended, and \$9,000,000 more will finish all but those deemed of minor importance, and which may be postponed without risking serious consequences.

More extended remarks upon the system of national defence, but particularly on that part of it depending on fortifications, are rendered unnecessary by an able and comprehensive report on this subject, prepared by my immediate predecessor, in pursuance of a resolution of the Senate of the 3d of March, 1841, and which will be transmitted to that body. Concurring, generally, in the views expressed in that report, no addition to their strength could be made by any observations of the undersigned. As the sys-

tem cannot be abandoned, what has been commenced should be completed, and the works intended for the more remote southern portion of our territory, particularly require attention. Indications are already made, of designs of the worst character against that region, in the event of hostilities from a certain quarter, to which we cannot be insensible. The estimates submitted, with the means on hand, for the completion of the works at Beaufort, and at the mouth of the Cape Fear river, in North Carolina, at Charleston, Savannah, and St. Augustine, will furnish adequate defences to those places. In consequence of the delay that will necessarily attend the completion of Fort Calhoun, in Hampton Roads, the effectual defence of that position would require that a strong field work should be thrown up at Willoughby point, in the event of hostile appearances; and an appropriation of \$50,000, at this time, for that purpose, would be important, as its application would be suspended until required by circumstances. On the gulf coast, Pensacola, Mobile bay, and most of the avenues at New Orleans are fortified. In relation to the fortifications on both these sections of coast, it is believed to be our first duty, as it is certainly the strongest desire of this Department, to place the existing works in a state of perfect efficiency in the shortest possible time; and, to this end, such means have been asked, as, without making exorbitant demands upon the treasury, will allow the labor to be carried on vigorously. The winter season is known to be the most favorable to such operations in the latitude where these works are situated, and it should be improved. Indeed, unless appropriations are made before the month of February, no use can be made of them in those latitudes within a year from the time they are asked. To provide for the points still remaining unprotected, in the event of hostilities being threatened before the system of fortifications is complete, a resort to steam vessels of little draught will be necessary; and, in reference to some of them, where fortifications would not avail, as already indicated, that species of defence will be indispensable. Five of these in the gulf of Mexico, and seven on the southern part of the Atlantic coast, are deemed necessary by the Chief Engineer. Their use, however, will be greatly aided by the existence of defended points near at hand, under which the vessels could rendezvous, and which would, at the same time, protect the harbors for the service of our military and commercial marine. An appropriation of \$50,000 for the commencement of a work at or near the mouth of Cumberland sound, and a similar sum for a work at or near the outlet of St. Simon's sound, these being the best harbors on that part of the coast within the State of Georgia, would, in this point of view, be highly expedient. The security of Mobile bay would be greatly promoted by a work on Dauphin or Pelican island, and one at Pas au Heron, and these works would add greatly to the protection of the coast passage along the gulf. An appropriation of \$60,000, for these, would be judicious. The appropriations, now suggested, are in addition to the general estimates from this Department.

Previous to the commencement of any of the works indicated, a preliminary survey of their positions will be directed; and the propriety of such a direction being now given, is under consideration.

A third element, of great importance in the consideration of the defences of the sea-coast, and of the northern and north-western frontiers, consists in the facility and rapidity of interior communications. They are strictly means of defence, and incapable of being perverted to any purpose of conquest; a feature which commends them to every friend of our institutions. The facility afforded by the ocean to movements for the purpose of attack, is met by a facility of movement on land, furnished by the triumphs of genius and art in the application of steam-power to land carriage, and in the construction of lengthened

lines of canals. The speed with which troops can be moved, obviates the necessity of embodying large masses of them at any point; and the amount of force required for the defence of any given post would, consequently, be diminished in proportion to the reduction in the time necessary to concentrate it. The whole force along the whole line may be rendered available for the defence of any point in that line; while, without such means of communication, a separate army would be required at each city, harbor, or military post, that was to be defended. This may be illustrated by facts within the knowledge of all. Troops may now be brought from New York to the city of Washington in eighteen hours, in a condition requiring little or no repose to fit them for immediate action. And the whole physical force of the populous country between those two points may be concentrated at any intermediate place in a few hours. Were Philadelphia assailed or threatened, a movement of military force from Pittsburgh, which but a short time since would have occupied from twenty to twenty-five days, could now be accomplished in five. Similar illustrations are furnished by various rail-roads and canals in different parts of the country. And as the great secret of success in war is supposed to be the ability to oppose the many to the few, it is evident, that in any defensive operations, we shall be able to compete with and to conquer any probable force that an invading enemy could bring against that portion of our territory which is intersected by these interior communications. Another consequence of no little moment flows from the same cause; the power to defend ourselves with armies of very diminished numerical force, compared with those which have heretofore been necessary in our national conflicts, or those which are usually employed on the European continent.

The facilities afforded by canals and rail-roads to collect, with any desirable expedition, the supplies of an army from a country abounding with them, and to transport them to the proper points, will render large depots unnecessary. An object of attack to an enemy, is thus removed, and the consequences of the capture of large collections of munitions of war, or of subsistence by a hostile force, thus enabled to maintain itself, are obviated.

The expense of military operations will be reduced beyond any present means of exact calculation, by the same facilities. During the last war with Great Britain, the cost of transportation from New York to Plattsburgh, Sacket's Harbor and Buffalo, was from five to twelve dollars per hundred. The present cost to Plattsburgh is thirty cents, and to the other points named, sixty cents per hundred. A twelve pounder, which, at the cheapest rate, could not have been carried to Buffalo for less than two hundred dollars, may now be transported to the same point, in one-fifth or one-eighth of the time, for twenty-four dollars. In every point of view in which these works can be considered, their cost is so much actually added to the defensive means of the nation, without any expense to the General Government other than the subscriptions it has authorized to a few of them; and it may be affirmed, without exaggeration, that the aggregate of saving, in any future war in which we may be engaged, in the comparative small amount of military force that will be necessary for defence, and in the cheapness of transportation afforded by rail-roads and canals now in existence, will be equal to the cost of their construction. If, then, the making of these works has been premature or improvident, in reference to the means of the States that undertook them, and has involved them in pecuniary embarrassments, the National Government should not complain of an enterprise that has placed these incalculable advantages in its hands; and, if it cannot relieve, will at least sympathise in the misfortunes which have resulted from such efforts.

## WASHINGTON CITY,

THURSDAY....DECEMBER 16, 1841.

The list of officers of the Quartermaster's department, which we insert to day under the appropriate head, shows how actively they are engaged. *There is not one off duty*, except an invalid who was wounded by the Indians in Florida, and who will probably be a cripple for life. Their labors are arduous and highly responsible, involving the expenditure of large sums of money annually.

The same remark will apply to the other staff corps, and indeed to the line also. Very few officers can be spared from their regimental or company duties, for the ordinary relaxation which men of every station in society are accustomed to enjoy.

The constant employment of army officers plainly shows that their number ought to be increased, if the country expects its duties to be expeditiously, as well as faithfully, performed.

REPORT OF THE SECRETARY OF WAR.—Contrary to the intention expressed two weeks since, we have resolved, upon second thought, to publish the Report of the Secretary of War, although we are compelled to divide it.

For the short time that he has been in office, Mr. SPENCER gives evidence that he has not been idle. If not previously well informed of the state of the military defences of the country, through the official reports of former sessions, he must have bestowed no little time and labor since his entry into office to make himself conversant with them.

The Secretary takes an enlarged and comprehensive view of the wants of the various branches of the service, and urges with a becoming zeal the importance of hastening the completion of those fortifications that have been commenced, as well as the immediate repair of such of the old ones as need it. He is opposed to floating batteries, believing them more expensive and requiring more frequent repair than permanent fortifications.

We are glad to find that the Secretary is sound on the subject of the Military Academy at West Point, the value of which to the country, through the army, he sets forth in its true light.

THE REPORT OF THE SECRETARY OF THE NAVY, though long, will be read with a hearty zest by every officer in the service. None that we have seen for years has given us more unalloyed pleasure. It is well calculated to revive the desponding spirits of the members of that gallant corps which never yet has been, and we trust never will be, found backward in the hour of need.

If Congress will abandon for a short while a portion of its acrimonious party spirit, and devote a few days to the consideration of the claims of this long neglected arm, we may hope to see it established on a footing commensurate with the rapid commercial growth of our country.



The Secretary is for no half-way measures. He tells Congress plainly that our commerce is suffering and exposed to insult and depredation, for want of adequate protection; that as we are the second commercial nation in the world, we ought to have a navy of corresponding strength; and recommends that ours be increased to half the naval force of the strongest maritime power in the world. This may make some of our penny-wise economists open their eyes with astonishment, but it is the true policy, and will prove in the end to be a pound-wise economy.

The Secretary is opposed to building any more line of battle ships, and proposes in lieu the heaviest frigates, and an addition to the number of sloops of war, brigs and schooners. He is decidedly in favor of higher grades in the navy, for the very obvious reasons that the greater the number the more inducement is held out for continued improvement by the prospect of promotion; and that our officers may command as a right, what is now only occasionally conceded as a courtesy, equal rights and privileges with the commanders in other navies on foreign stations.

Want of space obliges us to cut short our remarks. We shall insert the report in full as early as practicable.

COURT MARTIAL AT PHILADELPHIA.—Commodore Ballard having been prevented attending this Court, by indisposition, has been relieved, and Captain R. F. Stockton ordered in his stead.

#### ARRIVALS AT WASHINGTON.

Dec. 11—Col. T. Cross, Q. M. Dep't.  
Col. J. Bankhead, 2nd art'y. Gadsby's.  
12—Ass't. Sur. J. B. Porter, Fuller's.  
Capt. W. W. S. Bliss, A. A. G. Mrs. Latimer's.  
Lt. J. E. Johnston, T. E. Mrs. Macaulay's.  
Capt. W. Seawell, 7th Inf'y. Fuller's.  
Capt. S. Casey, 2nd Inf'y. do.  
Major R. Delafield, Corps Engrs. do.  
Capt. A. J. Swift, do Mrs. Latimer's.

#### LETTERS ADVERTISED.

WASHINGTON, Dec. 15, 1841.

ARMY.—Lieut. W. E. Prince 2, Lieut. L. Sitgreaves.  
NAVY.—J. H. Adams, Lieut. W. H. Ball, Lieut. F. B. Ellison 2, Dr. J. M. Green 2, P. Mid. W. D. Hurst, Rev. Geo. Jones, Mid. M. Rush 3, Comm'r. R. Ritchie, Purser W. Sinclair.  
MARINE CORPS.—Lieut. A. H. Gillespie. 7  
REVENUE CUTTER SERVICE.—Capt. L. C. F. Fatio 2.

#### PASSENGERS.

CHARLESTON, Dec. 8, per steampacket C. Vanderbilt, from Wilmington, Lieut. E. T. Shubrick, of the navy.  
SAVANNAH, Dec. 6, per steamer Charleston, from Pilatka, Major W. L. McClintock, Capt. W. W. S. Bliss, and Dr. J. B. Porter, of the army. Dec. 8, per steamer Gen. Taylor, from Traders Hill, Capt. H. Day, of the army, lady and child.

**BOOK AND JOB PRINTING**—of every variety and description, neatly and expeditiously executed, at the office of the Army and Navy Chronicle, opposite to the Navy Department.

### Communication.

#### COURTS MARTIAL.—No. II.

MR. EDITOR.—In my last I attempted to animadvert (I trust with good nature) on some of the quotations from an article in the "Chronicle" of the 25th ult. The temper of these remarks was, I hope, unexceptionable; it was so sincerely meant to be, and I desire to preserve in the following review the same equanimity of feeling, due both to the subject and myself. I took for the foundation of them an able communication to the "New York Commercial Advertiser," copied into your journal, and while I admit the whole scope and design of that article to be based on the soundest principles of equity and law, I am compelled to dissent from some of its reasoning, and to refuse my belief in the correctness of its conclusions. In the following paragraph from the "Commercial," I recognise an acknowledgment, admitted on all sides, as to the extent the opinions of a Judge Advocate should operate on a court while I regret at the same time to discover that it is but the mere naked power that is granted, and not a submission to the intelligence and judgment of the tribunal that should govern in the case. It is said that "he (the Judge Advocate) can only present his views of the law, and the court may or may not adopt them, at pleasure. Most truly they have the power to reject his views and are only obnoxious to the same ridicule and censure for not deferring to the opinion of a lawyer on a point of law, as that lawyer would be in disregarding the opinion of the court, or any of its members, on a question of seamanship." Can it be seriously pretended that a member of a Court Martial, sitting as a high judicial functionary on life and death, should be only obnoxious to equal "ridicule and censure," for a wrong sentence, or if you please a malicious one, with a lawyer who would attempt the management of a ship in a gale of wind, or assume the responsibility of getting her clear of a lee shore? Such sophistry, I am sorry to say, is too superficial for argument, and I regret it the more as it must weaken other well considered and well applied opinions from the same quarter. To overthrow it in a breath, why invest officers with such legal attributes, if incapable to perform understandingly and rightly the duties imposed upon them; or is the Judge Advocate to relieve them kindly of all the responsibilities attached to them as judges, and jurors, and conferred by the precept of their appointment? I will not believe that such a view of the subject is intended as an *ad captandum* for the weak prejudices of some, few I hope, who are not unwilling to escape from a just liability to public opinion, in the execution of such high duties. Thank God! the novel and dangerous inroads on law and justice recently perpetrated by Naval Courts Martial have at last aroused the American people; and I am glad to find that their condemnation has been faithfully echoed in the late able and manly report of our learned and accomplished Secretary. I cannot suppose that the talented author under review would as a lawyer put his seal on such a doctrine, or that he would repudiate for a moment the weight and solemnity that belong to military adjudications. And what, after all, becomes of the legal adviser or counsel for the accused in this matter? The rules of evidence and proceedings are the same as at common law without the technicalities; and I imagine that it might happen, as it certainly has happened, that the best legal assistance is opposed to the prosecution which may thereby be defeated. Is the court to be deaf to all the "experience, study and attention," because they show their power against the *quasi* district attorney? Surely not, and where can you draw the line in apportioning the degree of legal authority that should prevail? Its distinctness and limits must be left to the appreciation of those who have to decide.

Where is the use of cross examinations, designed to search a witness (as Lord Mansfield says) or clearing the court to determine a point of law, if the Judge Advocate could *per se* settle all this trifling matter himself? In justice, however, to our correspondent under notice, I give another extract from his paper, that appears to soften, in some measure, the preceding positions, too hastily, I think, assumed. There is some ambiguity about it, which I fear I am unable to unravel; yet I venture on the task with the more confidence because I am fully impressed with the faithfulness and *bona fide* intentions of this writer, and with his honesty and zeal for the cause to which he has awakened by his ready pen the attention of a whole community.

"This arrogance, for such indeed it is, is inherent and constitutional with men accustomed to command, to maintain their own opinions unquestioned, and rarely required to surrender them to the judgment of others." To this, as a mere independent proposition, all must assent; no one can gainsay it, it is true to nature, but you shall find this principle is no where more frequently smothered or forgotten than within the atmosphere of Courts Martial, where may often be seen put in practice the old Roman precept *Arma cedunt toga*, which for the benefit of "country members," may be rendered, the *quarter deck* bows to the *Bench*. With the younger part of such a tribunal it is thought to be only a mark of modesty to acquiesce in most decisions laid down by the "law officer," while the seniors think it but a proper respect to his superior attainments in the business before them to follow their example; and thus with the purest desire to do right, they may be led into error by adopting the understanding of one man, and disregarding their own. On this point in our subject and as particularly applicable, I think, to the reasoning on the powers and influence a Judge Advocate should exercise, we might adopt with advantage another Latin aphorism, which I would not transcribe were I not addressing those who can forgive a great deal in this way, and will not attribute *oullandish* expressions to either pedantry or pride. It is the old saying "*Est modus in rebus, &c.*" that every school boy has by heart; keep from extremes and preserve a happy medium; the French call it the "*juste milieu*." A respectable cause that would unite both sides in the definition of the authority we have been considering, might be easily pursued by conceding to a court the right, of which nothing can deprive it, to make up its own sentence from the law and the facts as it understands them, while a decent respect for the legal learning of the Judge Advocate, as a professional gentleman, ought to command great weight in coming to its conclusions.

To show that a *lawyer* is indispensable in the organization of a Court Martial, I shall conclude with a short story. It happened "once upon a time," while I was serving in the West Indies, a friend of mine volunteered to *play* counsel for a poor forlorn friendless boy, a young "reefer," who was overhauled for some juvenile delinquency, and merely escaped by proving perjury on the chief witness for the prosecution. And how, think you, was this nice object effected? Of course, by cross-examination. The young gentleman's friend put a leading question that he thought would bring out (as it did) all he wanted; when, to his surprise, the President of the court objected to it because it seemed to impeach the testimony of the man on the stand. He was not left long in doubt on that point, for he and the court, dreadful to relate, were told that *was* the very object in view; the court was cleared to pass upon this all important legal abstraction! And the result turned in favor of the accused. This sapient judge, who is now a post Captain, and who gained an unenviable celebrity then and since (I say it with no disrespect to that rank) in Pensacola and the Pacific, evidently confounded the competency or admissibility with the credibility of a witness, without looking or caring further about the matter.

This subject at first only attracted my attention by a request of your own in a late number. I find, however, it has grown more interesting in its examination than I could have anticipated; and, with your leave, shall continue it, if your valuable paper is not better occupied in future. \* \* K.

## ARMY.

### OFFICIAL.

GENERAL } HEAD QUARTERS OF THE ARMY,  
ORDERS, } Adjutant General's Office,  
No. 77. } Washington, Dec. 6, 1841.

The following instructions, received from the Department of War, are published to the Army for the information and guidance of all concerned:

"All officers and agents employed in any future purchase of land for the United States, under the direction of this Department, are required to procure from the vender of such land a regular abstract of his title, approved and certified by the District Attorney of the district in which the land may lie, together with certificates from all offices of record in which instruments are recorded, whereby land titles may be affected, or in which judgments or decrees affecting lands are entered or docketed, that there are no incumbrances upon such lands."

J. C. SPENCER."

DEPARTMENT OF WAR, }  
December 1, 1841.

BY COMMAND OF MAJOR GEN. SCOTT: }  
R. JONES, *Adj't. Gen.*

GENERAL } HEAD QUARTERS OF THE ARMY,  
ORDERS, } Adjutant General's Office,  
No. 78. } Washington, Dec. 10, 1841.

Pursuant to General Regulations, Brevet Major R M Kirby, of the 1st regiment of artillery, the senior captain serving with his regiment, is assigned to duty according to his brevet rank, to take effect from Sept. 18, 1841.

BY COMMAND OF MAJOR GEN. SCOTT: }  
R. JONES, *Adj't. Gen.*

GENERAL } HEAD QUARTERS OF THE ARMY,  
ORDERS, } Adjutant General's Office,  
No. 79. } Washington, Dec. 11, 1841.

First Lieut P Kearny, 1st regiment of dragoons, having been appointed Aid de Camp to Major Gen. SCOTT, *vice* First Lieut Keyes, promoted Captain, will report in person at General Head Quarters.

BY COMMAND OF MAJOR GEN. SCOTT: }  
R. JONES, *Adj't. Gen.*

GENERAL } HEAD QUARTERS OF THE ARMY,  
ORDERS, } Adjutant General's Office,  
No. 81. } Washington, Dec. 15, 1841.

I.—DETAIL, for the Recruiting Service, for 1842.

#### DRAGOON SERVICE.

	Capt's.	1st Lt's.	2nd Lt's.	Total
1st reg't of dragoons,	0	1	1	2
2nd reg't of dragoons,	1	1	1	3
	1	2	2	5

#### GENERAL SERVICE.

	Capt's.	1st Lt's.	2nd Lt's.	Total
1st reg't of infantry,	1	1	0	2
2nd reg't of infantry,	0	1	1	2
3rd reg't of infantry,	1	1	0	2
4th reg't of infantry,	1	1	0	2
5th reg't of infantry,	1	1	0	2
6th reg't of infantry,	1	1	0	2
7th reg't of infantry,	1	1	0	2
8th reg't of infantry,	1	1	0	2
	7	8	1	16

II.—Commanding officers of regiments will select the captains and subalterns agreeably to the above designations of rank and numbers, in conformity with paragraph 671 General Regulations.



III.—The officers of the 1st dragoons, 2nd, 3rd, 6th, and 7th infantry, required to be selected for the Recruiting Service, will be ordered by their respective Colonels to report in person to the Superintendents on the 1st of May, 1842; and the officers of the 2nd dragoons, 1st, 4th, 5th, and 8th infantry, are required in like manner to report for duty on the 1st September—those of the dragoons at the *Carlisle depot*, and those of the infantry at New York.

IV.—Brevet 2nd Lieut Jenkins, 1st dragoons, Captain Abercrombie, 1st infantry, Captain Morris and 1st Lieut Clendenin, 2nd infantry, Captain Cotton, 3rd infantry, Capt Scott, 5th infantry, 1st Lieut Woods, 6th infantry, Captain Moore, and 1st Lieut Paul, 7th infantry, will be relieved on the 1st of May, 1842; 1st Lieut Magruder, 1st artillery, Captain Green, 2nd artillery, 1st Lieut Brent, 4th artillery, 1st Lieut Scott, 4th infantry, 1st Lieut Marcy, 5th infantry, and 1st Lieut Bomford, 8th infantry, will be relieved on the 1st of September, 1842.

V.—Lieut Col Clarke, 8th infantry, is detailed the Superintendent for the *General Service*, and Major Wharton, of the 1st regiment of dragoons, the superintendent for the *dragoon service*, and they will enter upon their duties accordingly, on the 1st of May, 1842, when Major Erving and Captain Sumner will be relieved and proceed to join their respective regiments. Captain Macrae, 3rd infantry, now in command of the Newport depot, will be continued as the captain called for from his regiment.

VI.—The Superintendents will assign the relieved officers to duty with any detachment of recruits that may be in readiness at the time to join their regiments.

BY COMMAND OF MAJOR GENERAL SCOTT:

R. JONES, *Adj't General*.

#### RESIGNATIONS.

Bv't Major James A Ashby, 2nd dragoons, 15th Dec. 1841.

1st Lieut Fayette Robinson, 1st dragoons, 31 Dec. 1841.

2nd Lieut Joseph B Boyd, 3rd artillery, 31 Dec. 1841.

ORDERS, } HEAD QUARTERS, EASTERN DIVISION,  
No. 13. } Troy, N. Y. Nov. 4, 1841.

Applications to the Head Quarters of the army, of officers in this Division, for leave of absence, for a longer period than sixty days, will be forwarded through the proper channels, to the Assistant Adjutant General, at Division Head Quarters.

BY COMMAND OF BRIG. GEN. WOOL:

ROBERT ANDERSON, *Ass't. Adj't. Gen.*

CORRECTION.—“General Orders, No. 66,” published in the Chronicle of Nov. 4, page 351, were signed by L. Thomas, *Ass't. Adj't. Gen.* instead of W. W. S. Bliss, as printed.

### Military Intelligence.

#### QUARTERMASTER'S DEPARTMENT.

##### Quartermaster General.

Thomas S Jesup, Major Gen bv't, Washington City.

*Ass't Quartermasters Gen. with the rank of Colonel.*

Henry Stanton, New York.

Truman Cross, Washington.

*Dep Quartermasters General, with the rank of Lt. Col.*

Henry Whiting, Pilatka, Florida.

Thomas F Hunt, Tampa Bay Florida.

##### Quartermasters with rank of Major.

Isaac Clark, New Orleans.

Eneas Mackay, New York.

Charles Thomas, Pensacola, Florida.

Samuel McRee, St. Louis.

*Assistant Quartermasters with the rank of Captain.*

1 D D Tompkins, Philadelphia.

2 C A Waite, St. Augustine, Florida.

3 Thomas Swords, Fort Leavenworth.

4 George H. Crosman, Boston, Mass.

5 S B Dusenbery, Baltimore.

6 David H Vinton, Detroit.

7 E B Alexander, Fort Smith, Arkansas.

8 F Searle, New Orleans, disabled by wounds received while on duty in Florida.

9 Osborne Cross, with dragoons ordered to Forts Towson and Jesup.

10 S P Heintzelman, investigating militia claims in Florida.

11 J R Irwin, Fort Monroe, Va.

12 M M Clark, Savannah, Geo.

13 E S Sibley, Florida, with the army operating on the Caloosahatchie.

14 E B Babbitt, Traders Hill, Geo.

15 J P Davis, Fort Gibson.

16 R E Clary, Plattsburg, N Y.

17 C O Collins, Houlton, Maine.

18 A R Hetzel, Quartermaster Gen's office.

19 R S Dix, relieved at Boston, and settling his accounts preparatory to going to Fort Towson.

20 E. A. Ogden, Tampa Bay, Florida.

21 J M Hill, Charleston, S C.

22 D S Miles, Pilatka, Florida.

23 W S Ketchum, Port Leon, Florida.

24 J H Stokes, Buffalo, N Y.

25 A C Myers, Head Quarters army of Florida.

26 S M Plummer, Quartermaster Gen's office.

27 W M D McKissack, with the army operating on the Caloosahatchie.

28 Wm Wall, Fort Fanning, Florida.

*Pay Department.*—Paymaster Randall has been ordered back to Philadelphia, his former station; and is succeeded at New York by Paymaster Leslie from West Point. Paymaster Davies, lately appointed, is under orders to West Point. Captain David Hunter, formerly of the 1st dragoons, has been appointed an additional Paymaster, *vice* J. Brown deceased, and ordered to Florida.

*Subsistence Department.*—Captain J. C. Casey, Com. Sub. has been ordered to Washington, as Assistant to the Commissary General, in the place of Col. Hook, deceased.

### NAVY.

Dec. ORDERS.

6—Mid D Ochiltree, receiving ship, Norfolk.

7—Capt J T Newton, command of steamer Missouri.

Capt B Cooper, command of steamer Fulton.

8—Comm'r W Jamesson, command of rendezvous,

Alexandria, D C.

Lieut's T W Brent, S P Lee, rendezvous, Alexan-

dria, D C.

Lieut W T Muse, receiving vessel, Norfolk.

Lieut S S Lee, command of rec vessel, Alexa D C.

Surgeon L W Minor, rendezvous, do

9—Comm'r R Ritchie, command of rendezvous at

Kensington, Philadelphia.

Lieut W Pearson, rendezvous, New York.

Mid E F Tattall, ship Fairfield.

Boatswain W Brady, navy yard, New York.

10—Lieut G H Scott, receiving vessel, Norfolk.

Mid G B Balch, do do

Mid W G Hoffman, do New York.

Sailmaker M Wheeden, navy yard, Philadelphia.

11—Comm'r W H Gardner, rec ship, Norfolk.

Comm'r G F Pearson, do Boston.

Gunner J W Pennington, navy yard, Philadelphia.

Carpenter W E Sheffield, rec ship, New York.

Gunner L Parker, do Norfolk.

#### APPOINTMENTS.

Dec. 7—John Feathersen, acting Boatswain.

William Flye, Professor of Mathematics.

8—William Chauvenet, do do

11—James Frazer, acting sailmaker.

### Naval Intelligence.

#### U. S. VESSELS OF WAR REPORTED.

*EXPLORING EXPEDITION.*—The Peacock, Captain Hudson, was expected to arrive at Fort George, about July 11; the Vincennes, Captain Wilkes, expected to arrive at the same place, July 15; and the Porpoise, August 1. All these vessels were at the northward in pursuance of

the objects of the expedition; they had previously been at Fort George, at the mouth of Columbia river, where every attention was paid them by the Governor and officers of the Hudson Bay Company. From Fort George it was believed the squadron would sail for Singapore, and from thence home.

The above information is from an officer belonging to the squadron, who remained at Fort George while the vessels went North waiting for their return. The latest information direct from the squadron left all well.—*New York American*.

We have seen a letter from a gentleman at the mouth of Columbia river, to one in New York, via Mazatlan, dated July 4, 1841, which states that the Peacock was expected soon at the Columbia river. The Vincennes and Porpoise had proceeded to the northward, surveying and would return to Columbia river previous to their ing, departure for the Northwest coast. The officers and men of the ships were in excellent health; and all were actively engaged in carrying out the views of the Government.—*Boston Merchantile Journal*.

Receiving brig Consort, Lieutenant Commanding Lewis, arrived at Portland, on Monday evening, December 6, in 7 days from Hampton Roads.

MEDITERRANEAN SQUADRON.—Frigate Brandywine, sloops Fairfield and Preble, were at Naples, November 6—all well.

BRAZIL SQUADRON.—Ship Decatur, Commander H. W. Ogden, at Buenos Ayres, October 9.

PACIFIC SQUADRON.—Ship St. Louis, Commander F. Forrest, at Valparaiso, August 28.

REVENUE CUTTER SERVICE.—The brig *Neva*, of Boston, mentioned under our marine head as having put into this port in distress, was boarded on the afternoon of the 4th inst. by the Revenue Cutter Crawford, Capt. Currier. We understand that had it not been for the timely assistance rendered by Capt. Currier, the *Neva* probably would never have reached our harbor, her crew having become completely exhausted by incessant pumping for three days, in order to keep the vessel from sinking. As it was, she leaked so badly, they could not prevent the water gaining upon them.

Capt. Currier deserves the highest credit, and will receive it at the hands of his fellow-citizens, for the prompt and effectual assistance which he has thus rendered to a vessel, which, in all probability, would have gone down at sea but for his timely exertions. This kind of assistance, offered without reluctance, is that which our merchant service requires. Such officers as Capt. Sturgis, Currier and others, whom we could name, give character and respectability to the service to which they belong, and they show at the same time the positive utility of the Revenue Cutter, when actively employed in cruising instead of lying idle in port, or sailing from place to place for electioneering purposes.—*Savannah Republican*, Dec. 6.

A CARD.—The undersigned, master of the brig *Neva*, put into this port in distress, takes this public method to return his thanks to Captain Currier and officers, of the Revenue Cutter Crawford, for the prompt assistance rendered to him on the morning of the 4th inst. Also, for their kind and gentlemanly conduct.

dec 9

H. H. SEARCH.

### MARRIAGE.

At Wilmington, Del. on the 7th inst. Lieut. JOHN P. GILLIS, of the U. S. navy, to ELIZABETH, daughter of EDWARD TATNALL, of Brandywine.

### DEATHS.

At Little Rock, Ark. on the 15th Nov. E. W. B. NOWLAND, Esq. formerly Postmaster and Sutler at Fort Gibson.

At Pilatka, E. F. on the 26th Nov. Captain JAMES R. STEPHENSON, of the 7th regiment infantry U. S. army.

At West Point, N. Y. on the 6th of December Cadet PRICE S. Mc KINNEY, of Missouri, in the 21st year of his age. He was a member of the present first class of the corps of Cadets, and as a mark of the high esteem

in which he was held as a soldier, the office of Adjutant of the corps was conferred upon him in June last by the Major Commanding, which office he filled at the time of his death.

On the 10th ult. at Fort Simmons, E. F. Midshipman HEZEKIAH NILES, of the U. S. navy, in the 21st year of his age, son of WILLIAM OGDEN NILES, Esq. of Baltimore.

At New Haven, Conn. on the 9th inst. of paralysis, Miss HARRIET A. A. HART, youngest sister of Mrs. Commodore HULL.

### NOTICE.

If EDWARD A. HOWARD, of Baltimore county, State of Maryland, who enlisted at Lancaster, Pennsylvania, within the last eighteen months or two years, will forward his address by letter to his friend ROBERT S. WILSON, Franklinville, Baltimore county, Maryland, he will confer a favor.

Dec. 2—31\*

### CLASSICAL & MATHEMATICAL SCHOOL

—NEAR WEST POINT, N. Y.—

J. D. KINSLEY, a graduate of the U. S. Military Academy, and for many years instructor of artillery in that institution, residing on his farm contiguous to West Point, will receive into his family and instruct a limited number of pupils, in the usual branches of a thorough English education; and, if desired, in so much of the classics as to prepare them to enter College.

The academic year will consist of two terms of five months each. The winter term will commence on the first of November, and will close on the 31st of March: the summer term on the 1st of May, and close on the 30th of September.

Pupils will be received at any time, and instruction will be continued during vacation for the benefit of such pupils as may wish to remain, at the same rate as during the term.

EXPENSES.—For board, tuition, lodgings, lights, washing and fuel, per term, for pupils under 12 years of age, \$100  
Over 12 years and under 17, 125  
Over 17 years, 150  
Payments to be made quarterly, in advance.

For any period less than two months, the charge will be \$30 per month.

Books, stationery, and clothing, can be furnished on reasonable terms, at the expense of the pupil.

The course of instruction will embrace the usual branches of an English education; viz: reading, writing, grammar, composition, declamation, geography, history, and rhetoric; arithmetic, algebra, geometry, trigonometry, mensuration, and surveying; and for those who may desire it, a popular course of civil engineering, natural philosophy, navigation, and astronomy: also, moral philosophy, and the Constitution of the United States and that of the State of New York. In the French language, the usual exercises of the French grammar, and the reading and translation of *Telemaque*; and in Latin and Greek, the course required to enter the freshman class of Yale College.

On the Sabbath, besides attending Divine Service, a bible lesson will be required from each pupil. The object of the whole system of instruction will be "to train up a child in the way he should go," which can be effected only by a Christian education.

The Chaplain of the U. S. Military Academy is invited to supervise the course of moral and religious instruction.

Although it is not the design of the school, in any wise, to provide a military education, still, unless excused by parents or guardians, pupils will be taught so much of the elementary drill of the soldier as contributes to health, and to an easy and graceful carriage.

The regulations for the internal discipline and police of the school will be strict, and, at the same time, parental. No pupil of vicious habits will be permitted to remain in the school a single day; and, as a condition of admission, every pupil will be required to pledge himself to abstain entirely from the use of tobacco and all intoxicating drinks.

### REFERENCES.

Col. S. THAYER, Boston,	Professor CHAS. DAVIES, Hart-
Rev. Dr. WAINWRIGHT, N. Y.	ford, Conn.,
Gen. DIX, Albany,	Rev. B. S. PEERS, New York,
Gen. RUFUS KING, Albany,	JAS. V. SCHOONHOVEN, Esq.,
President LINDSEY, Nashville,	Troy.
Tenn.	

The undersigned have been personally acquainted with Mr KINSLEY for many years, and having had a fair opportunity of ascertaining his qualifications as an instructor, do with confidence recommend him to parents and other guardians of youth as fully equal to the task he has undertaken.

D. H. MAHAN, Professor of Engineering,  
WM. H. C. BARTLETT, Prof. of Nat. and Exp<sup>d</sup> Philosophy,  
A. E. CHURCH, Professor of Mathematics,  
J. W. BAILEY, Prof. of Chemistry and Min. and Geology,  
M. P. PARKS, Chaplain, and Prof. of Ethics.  
Nov. 18—tf

### TERMS OF THE CHRONICLE.

ONE COPY \$3 a year.—Two Copies one year, or one Copy two years, \$5.—Five Copies to one address, \$10